

4 September, Common Era 2018

Debra K. Kempf, Clerk
 U.S. District Court
 District of Nevada
 333 Las Vegas Blvd. South
 Las Vegas, NV 89101-7065
 Via: USPS Tracking No. 9114 9014 9645 1693 9531 00

Re: Case No. 2:15-cv-2279-JAD-GWF

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| FILED | RECEIVED |
| ENTERED | SERVED ON |
| COUNSEL/PARTIES OF RECORD | |
| SEP 14 2018 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: _____ | DEPUTY _____ |

Greetings Ms. Kempf:

On June 21, 2017 you entered your Clerk's Judgment, ECF No. 24, in favor of Defendants and against Plaintiff. Additionally, the Judgment in a Civil Case form at "Decision by Court" has been checked instead of "Notice of Acceptance with Offer of Judgment," indicating a notice of acceptance with offer of judgment has been filed in this case.

A simple cursory review of the case docket will immediately reveal that ECF Nos. 7, 8 and 9, which are three Notice of Acceptance with Offer of Judgment, one for each defendant, were filed by the plaintiff with the court.

You as clerk are undoubtedly aware and conversant with Fed.R.Civ.P. Rule 68 (a). As such, you knew or should have known when this plaintiff filed her acceptances of the Rule 68 Offer of Judgment for each defendant, that you have no discretion, whatsoever, but to do one thing and one thing only, to enter judgment in this matter.

Despite Fed.R.Civ.P. 68 (a) mandating that you MUST enter the offer of judgment, you instead elected not to do your ministerial duty and enter the Rule 68 Offer of Judgment. Your withholding of its entry frustrates the agreement between the parties.

In the ensuing months from September 7, 2016 thru June 21, 2017, the trial court improperly interfered with this case rendering dispositive orders, clear errors, which are NULL and VOID on their face due to the self-executing nature and settlement agreement quality of this case file accepted Rule 68 (a) Notice of Acceptance with Offer of Judgment, that black letter case law disallows and prohibits such judicial behavior.

As recently as August 25, 2018 the trial court denied this defendant's 60 (a) motion for correction of your Clerk's Judgment based upon clerical mistakes, oversights or omissions.

This defendant has sent to you his Fed.R.Civ.P. 59 (e) motion for reconsideration of the trial court's ECF No. 31 order, dated August 31, 2018, seeking an order directing you to modify your judgment with checking "Notice of Acceptance with Offer of Judgment" on your Judgment in a Civil Case form for the above referenced matter.

This matter does not have to over-burden the sparse judicial resources of this Court which can be judiciously handled by you with the entering of a check within the box at "Notice of Acceptance with Offer of Judgment" on your Judgment in a Civil Case form.

Additionally, you have yet to do your ministerial duty regarding this Rule 68 Offer of Judgment, which unequivocally mandates your ministerial duty to enter it pursuant to law.


In light of the foregoing, coupled with the fact that by refusing to do so, you continue to impair the obligations of contract (the accepted Rule 68 Offer of Judgment) between the parties in the case. To help with your deliberations, it is encouraged that you peruse this defendant's Rule 59 (e) motion for reconsideration, which should assist you greatly.

It is hoped that you will see your way clear and do what justice demands, and not rely or wait for the trial court to act, to simply enter the Rule 68 Offer of Judgment.

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Debra K. Kempf, Clerk
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With a level eye on resolution of this situation, thank you for your right-hand in kindness and prompt attention to this matter. In Peace and light, I remain

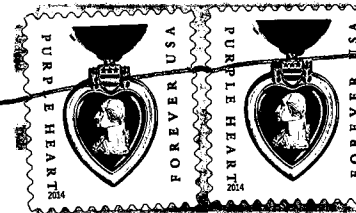
Sincerely,

by: 

WILLIAM OSCAR HARRIS
Defendant
FCI-THA, 40743050
PO BOX 33
TERRE HAUTE, IN 47808

cc: V.V. Bailey, Plaintiff
K.W. Taylor, POA (3 defendants)
file

NAME: WILLIAM OSCAR HARRIS
NUMBER: 40743050
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808



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